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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,964	09/19/2001	Kazuo Shiota	2091-0245P	9017
2292	7590	10/31/2003	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FELTEN, DANIEL S	
		ART UNIT		PAPER NUMBER
		3624		

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/954,964 Examiner Feltner	Applicant(s) Shiota et al Art Unit 3624
	<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>	
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<p>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</p> <p>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</p> <p>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</p> <p>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</p> <p>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>6/17/2003</u>		
2a) <input checked="" type="checkbox"/> This action is FINAL. 2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1 - 48</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1 - 48</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
Attachment(s)		
1) <input type="checkbox"/> Notice of References Cited (PTO-892)		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____		
6) <input type="checkbox"/> Other: _____		

DETAILED ACTION

1
2 1. The amendment filed June 17, 2003 amending claims 1, 2, 31, 35-40, 43 and 44 is
3 acknowledged. Claims 1-48 remain pending in the application and are presented to be examined
4 upon their merits.

5

6 ***Response to Arguments***

7 2. Applicant's arguments with respect to claims 1-25 and 27-48 have been considered but
8 are moot in view of the new ground(s) of rejection.

9

10 ***Claim Rejections - 35 USC § 102***

11 (e) the invention was described in a patent granted on an application for patent by another filed in the
12 United States before the invention thereof by the applicant for patent, or on an international application by
13 another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title
14 before the invention thereof by the applicant for patent.

15

16 The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act
17 of 1999 (AIPA) do not apply to the examination of this application as the application being
18 examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35
19 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the
20 amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1 3. Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Enomoto et al
2 (hereinafter “Enomoto”, US 5,974,401).

3 As in claims 1, 26, 27 and 31-48, Enomoto discloses a network photograph service
4 system (see fig. 1, *digital print ordering system*) having at least one laboratory server 12
5 (photofinisher/photo-lab) installed in one of a plurality of laboratories (see fig. 1, col. 5, ll. 57-
6 65), picture printers 15-17 (see fig. 1, *digital printers* 15, 16, col. 3, ll. 13-40), communicating
7 via a network 23, (see fig. 1); and a central server 24 (database) that is connected to the
8 laboratory server 12 , said server having - - - - -

9 a plurality of templates are registered in the central server 13, and wherein the central
10 server including a function of making templates accessible on the network (see col. 5, ll. 66 to
11 col. 6, ll. 42, particularly col. 6, ll. 10-18).

12 as in claim 2, wherein the center server 24 further includes a function of transmitting
13 information to the laboratory server 12 regarding one of a plurality of templates specified by a
14 request to the laboratory server when a printing service process using the template is requested by
15 a customer (see col. 6, ll. 10-18), and

16 wherein the laboratory server generates a processed print using the template, based on the
17 transmitted information (see col. 5, ll. 66 to col. 6, ll. 42, particularly col. 6, ll. 10-18).

18 as in claims 3 and 4, wherein the template is transmitted amount the plurality of
19 laboratories via the network (see col. 5, ll. 66 to col. 6, ll. 42, particularly col. 6, ll. 10-18)

1 as in claims 5-8, wherein each of the plurality of laboratories registers a new template to

2 the center server when the new template is obtained at the one laboratory (see col. 5, ll. 66 to col.
3 6, ll. 42, particularly col. 6, ll. 18+),

4 as in claims 9-16, wherein each laboratories stores high resolution image data of the
5 template (see col. 6, ll. 23-50),

6 as in claims 17-24, wherein the center server stores the templates a low resolution image
7 data having a lower amount of data than the data amount of the high resolution image data stored
8 in the laboratory server (see col. 6, ll. 33+),

9 as in claim 25, a central server that stores a photograph taken by a customer as digital
10 image data, the center server carrying out processing for providing services regarding the storage
11 of the digital image data to the customer (see col. 5, ll. 66 to col. 6, ll. 42, particularly col. 6, ll.
12 18+).

13 as in claim 28, wherein management of the transaction includes calculating the cost to be
14 paid to each laboratory for storing the digital image data, or the communication charge for the
15 digital image data (see col. 2, ll. 40-58),

16 as in claim 29, wherein the center server charges the customer based on a result related to
17 the management of the transaction (see col. 2, ll. 40-58),

18 as in claim 30, wherein the center server charges the customer based on a result related to
19 the management of the transaction (see col. 2, ll. 40-58).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor ***Vincent Millin*** whose telephone number is (703) 308-1065.

6. Response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

for formal communications intended for entry, or (703) 305-0040, for informal or draft communications, please label "Proposed" or "Draft".

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [daniel.felten@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1 195 OG 89.

DSF

September 15, 2002



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